

REMARKS/ARGUMENTS

Claims 1-20 stand finally rejected. In light of the amendments and following remarks, Applicant believes all claims are in condition for allowance.

Formal Matters

Applicant appreciates the Examiner's courtesy in discussing the subject application in a telephonic interview on December 21, 2004. Although no agreement was reached, it helped Applicant understand the outstanding issues better as the undersigned only recently received this case.

In the final Office Action, it is alleged that the deletion of the phrase "from the peer device" from page 14, line 23 added new matter. Applicant disagrees. In reviewing the application, Applicant noticed that on page 14, lines 10-11, the application correctly stated that the DL-ESTABLISH request comes from the management plane, which is not the peer device. Thus, Applicant was not attempting to add new matter, but instead trying to remove an inconsistent phrase from the application. Applicant requests permission to submit a subsequent amendment removing the phrase.

The § 103(a) Rejection of claims 1-20

Claims 1-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over text in Applicant's "BACKGROUND" section in view of the private communication submitted with the IDS of December 12, 2003. For the following reasons, Applicant respectfully traverses the rejection.

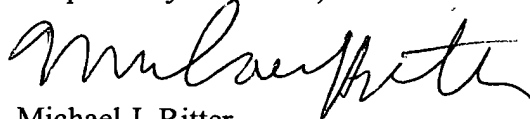
In a sincere effort to expedite prosecution, Applicant amended the independent claims to more clearly recite what is being claimed (see, e.g., page 16, line 1 to page 17, line 7 and page 17, lines 16-22). More specifically, Applicant has clarified that a Q.921 request for connection to establish link message is transmitted after one of the awaiting-response timer expires, a Q.921 disconnect mode message is received or a Q.921 acknowledgement message is received. The background section of the application in no way discloses these features.

The private communication cited in the rejection also has not been shown to disclose these features. The communication is first asserted to state that a Disconnect be sent, but no where is it shown where the communication discloses the features recited above. Thus, the references, even if combined, do not establish a prima facie case of obviousness.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Ritter", written in a cursive style.

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